

# United States District Court

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SOUTHERN

DISTRICT OF

NEW YORK

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DB STRUCTURED PRODUCTS, INC.

**SUMMONS IN A CIVIL CASE**

v.

COMMONSENSE MORTGAGE, INC.

CASE NUMBER:

07 CV 4118

TO: (Name and address of defendant)

COMMONSENSE MORTGAGE, INC.  
3450 Lexington Avenue North  
Shoreview, Minnesota 55126

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

THACHER PROFFITT & WOOD LLP  
Richard F. Hans (RH-0110)  
John P. Doherty (JD-3275)

Two World Financial Center  
New York, New York 10281  
(212) 912-7400

an answer to the complaint which is herewith served upon you, within TWENTY days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

MAY 25 2007

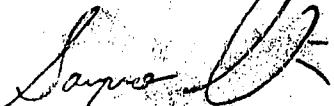
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**J. MICHAEL McMAHON**

CLERK

DATE

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(BY) DEPUTY CLERK

AO 440 (Rev. 10/93) Summons In a Civil Action -SDNY WEB 4/99

**RETURN OF SERVICE**

Service of the Summons and Complaint was made by me <sup>(1)</sup>	DATE
NAME OF SERVER (PRINT)	TITLE

*Check one box below to indicate appropriate method of service*

Served personally upon the defendant. Place where served: \_\_\_\_\_  
 \_\_\_\_\_

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
 Name of person with whom the summons and complaint were left: \_\_\_\_\_  
 \_\_\_\_\_

Returned unexecuted: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Other (specify): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
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**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
 Date \_\_\_\_\_  
 Signature of Server \_\_\_\_\_

Address of Server \_\_\_\_\_

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

COURT UNITED STATES DISTRICT COURT  
COUNTY OF SOUTHERN DISTRICT OF NEW YORK  
DB STRUCTURED PRODUCTS, INC.

against  
COMMONSENSE MORTGAGE, INC.

Index No. 07 CV 4118

Plaintiff(s)

Defendant(s)

**AFFIDAVIT OF  
SERVICE OF SUMMONS  
(AND COMPLAINT)**

SEE ATTACHED RIDER

MINNESOTA  
STATE OF HENNEPIN, COUNTY OF HENNEPIN  
That on 6/14/07 at 7:40 P M., at 10560 SANCTUARY DRIVE NE, MINNEAPOLIS, MINNESOTA  
deponent served the within summons, *and complaint on* COMMONSENSE MORTGAGE, INC.  
SEE ATTACHED RIDER  
BY SERVING REGISTERED AGENT  
JEFF TAYLOR

INDIVIDUAL  by delivering a true copy of *each* to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION  a corporation, by delivering thereat a true copy of *each* to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be thereof.

SUITABLE AGE PERSON  by delivering thereat a true copy of *each* to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC.  by affixing a true copy of *each* to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING TO RESIDENCE USE WITH 3 OR 4  Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited

MAILING TO BUSINESS USE WITH 3 OR 4  said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at

in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

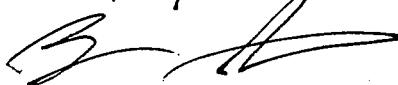
DESCRIPTION USE WITH 1, 2, OR 3 <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
	<input type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input checked="" type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
		<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input checked="" type="checkbox"/> 36-50 Yrs.	<input type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 Lbs.
		<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input checked="" type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
		<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input checked="" type="checkbox"/> Over 200 Lbs.

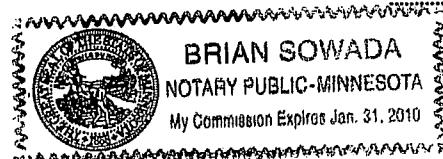
Other identifying features:

USE IN NYC CIVIL CT.  The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY SERVICE  I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient *wore ordinary civilian clothes and no military uniform*. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on  
JUNE 18<sup>th</sup>, 2007





PRINT NAME beneath signature  
JOSEPH K. KAPLAN

License No. ....

INSTRUCTIONS: Check appropriate boxes and fill in blanks. Delete inappropriate italicized language and military service allegation if not applicable.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X Case No. 07 CV 4118  
DB STRUCTURED PRODUCTS, INC.

Plaintiff,  
vs.

**RIDER TO  
AFFIDAVIT OF  
SERVICE**

COMMONSENSE MORTGAGE, INC.

Defendants.

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List Of Documents Served:

- Summons In A Civil Case
- Complaint With Exhibits 1-3
- Explanation Of Relatedness
- Statement Pursuant To Rule 7.1 Of The Federal Rules Of Civil Procedure
- Civil Cover Sheet
- Individual Practices In Civil Cases Denise Cote, United States District Judge
- Individual Rules Of Practice Of Judge Kevin Nathaniel Fox
- Procedures For Electronic Case Filing
- Guidelines For Electronic Case Filing
- 3<sup>rd</sup> Amended Instructions For Filing An Electronic Case Or Appeal